

Non-disclosure agreements

The rules just issued by the Justice Department (Aug. 24) to keep federal employees or employees of contractors from making unauthorized disclosures of classified information they obtained at work is the most sweeping censorship order this country has seen in peacetime. We recommend that the President ask for establishment of a new "Office of Censorship and Review" just to handle the workload which will be colossal.

The current order applies to the Justice Department but other government departments and agencies are expected to issue identical orders to their own employees and contractors. Those with high-level security clearance must not only sign agreements that unless they get advance permission they will not disclose either in writing or orally any information that is classified, or classifiable, for national security reasons. It is so worded that any employee who is contemplating saying or writing anything about his job—even fiction—must ask for clearance. Present as well as former employees "are encouraged voluntarily to submit material for prepublication review."

Just to make sure that employees cannot rely on their independent judgments as to whether they are revealing classified information, the order says that "failure to submit for review . . . constitutes a breach of the obligation and exposes the author to remedial action *even in cases where the published material does not actually contain . . . classified information.*"

Of course, the rules state rather nicely that "there is no requirement to submit for review any materials that exclusively contain information lawfully obtained at a time when the author has no employment, contract, or other relationship with the U.S. Government and which are to be published at such time." But, with "Big Daddy" looking over everyone's shoulders, who is to tell—who is to know—whether he or she is in the clear? The whole implication is that it is better to get clearance than be sorry.

The big question is who will set the standards as to what is sensitive or security information and who will watch the censors and the reviewers. Washington will now be filled with a wide assortment of bureaus and departments enforcing their own rules as to what they consider security information and no one able to challenge the system.

No one, that is, except the press which will be faced with one of the most difficult jobs in its history—trying to keep the censors honest without really knowing what the censors are up to.